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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO.  |
|---|-------------|----------------------|---------------------|-------------------|
| 10/540,327  | 11/30/2005  | Urbain Du Plessis    | 13070.23            | 1634              |
| 22913   | 7590        | 09/28/2010           | EXAMINER            |                   |
| Workman Nydegger<br>1000 Eagle Gate Tower<br>60 East South Temple<br>Salt Lake City, UT 84111 |             |                      |                     | KOSANOVIC, HELENA |
| ART UNIT  |             | PAPER NUMBER         |                     |                   |
| 3749  |             |                      |                     |                   |
|   |             |                      | MAIL DATE           | DELIVERY MODE     |
|   |             |                      | 09/28/2010          | PAPER             |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/540,327             | DU PLESSIS, URBAIN  |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | HELENA KOSANOVIC       | 3749                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 16 September 2010.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,4,5 and 7-16 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1, 4-5, 7-16 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/16/10 has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 4-5, 7-12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueki 6,824,595 in view of Urano 4,254,339.

Ueki teaches:

Regarding claims 1 and 12, electrical equipment comprising a sealed chamber (col. 5, ll. 40-45) in which an electrical appliance is housed (col. 5, ll. 40-45), and a multi-stage breather filter (13, 14 at least fig. 5) is attached to the chamber, the chamber being sealed except for communication through the breather filter, the filter comprising a filter housing 12 (at least fig. 3) to define an airflow passageway, the airflow passageway having an air inlet 22 (fig. 5) and the air outlet 14 (fig. 5) at the other, the outlet being coupled to the chamber (fig. 5), the passageway including a series of filter, the filter stages including:

- a) a porous membrane 14 (fig. 3)
- b) activated carbon 13 (fig. 3), and
- c) silica gel (col. 6, ll. 57-59),

wherein the porous membrane is positioned adjacent/near the porous membrane (fig. 5)

whereby in use heat generated by the electrical appliance causes air flow through the filter and also dries moisture collected by the filter (col. 6, ll. 60-63).

Regarding claim 4, the electrical appliance is a light element (col. 5, ll. 41-44).

Regarding claim 5, the porous membrane is fabricated from PTFE (col. 7, ll. 20-35).

Regarding claim 7, the electrical appliance is a light element (col. 5, ll. 41-44).

Regarding claim 8, the electrical appliance is a light element (col. 5, ll. 41-44).

Regarding claim 9, the porous membrane is fabricated from PTFE (col. 7, ll. 20-35).

Regarding claim 10, the porous membrane is fabricated from PTFE (col. 7, ll. 20-35).

Regarding claim 11, wherein the filter stages are designed to minimize pressure differentials and ensure low resistance to air flow (as long as the instant application perform said limitation the applied prior art does the same because the structure of the apparatus and the filters are the same. Therefore similar structures would perform the similar results.)

Ueki teaches the invention as discussed above, and further regarding claim 6, wherein the porous membrane 14 is positioned adjacent/near the air inlet (fig. 5c), but is not specific about having a filter\_stages separate from each other so that the silica gel is adjacent air outlet and carbon filter is in front of silica gel.

Urano teaches silica gel filter 46 and carbon filter 45 being separate wherein silica gel filter 46 is near outlet and carbon filter 45 is in front said silica gel filter, wherein in combination, regarding claim 1, with the Ueki the silica gel is positioned adjacent the outlet and the activated carbon is position between the porous membrane and the silica gel.

Regarding claim 16, in combination said silica gel filter is exposed openly to the chamber (via inlet opening of the Ueki reference).

It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute the Ueki adsorbent filters with the Urano separate filer in specific order because the substitution of one known element for another would have yielded predictable results of filtering the air.

2. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashemi 5,406,467 in view of in view of Urano 4,254,339 and further in view of Oshitatri 4,877,433

Hashemi teaches the invention as claimed:

Regarding claim 13 an electrical device 10 (fig. 1) comprising:  
a sealed chamber (12, fig. 1) in which an electrical appliance is housed (col. Col. 2, l. 35), and a multi-stage breather filter ( 22, figs. 2-3) is attached to the sealed chamber, the filter comprising a filter housing 20, 18 (figs. 1-3) to define an airflow passageway;

whereby in use heat generated by the electrical appliance causes air flow through the filter and also dries moisture collected by the filter (if the applicant apparatus does that than the applied prior art does the same because the similar structure produces the similar results); and

an electrical appliance disposed within the sealed chamber (col. 2, l. 35).

Regarding claim 14, wherein the electrical appliance comprises a light element (col. 2, l. 35).

Regarding claim 15, wherein the electrical device comprises a vehicle headlight (col. 2, ll. 24-25).

Hashemi teaches the invention as discussed above but is silent about the passageway that includes a series of filter stages separate from each other, wherein the filter stages including, a porous membrane 14, activated carbon and silica gel.

Urano teaches a passageway having an activated carbon 45 and silica gel 45 (col. 5, ll. 19-20, fig. 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have the Hashemi invention modified with the Urano separate filters in order to purify the air from the moisture and dust (col. 5, ll. 17-20).

Hashemi in view of Urano teaches the invention as discussed above but is silent about a membrane.

Oshitatri teaches a filter 2 (fig. 2) having a breathable membrane 1 (fig. 2) located at the inlet of the airflow (fig. 2).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have the Hashemi in view of Urano invention in view of Oshitatri membrane in order to provide further filtration.

### ***Response to Arguments***

Applicant's arguments filed 9/16/10 have been fully considered but they are not persuasive.

In response to the argument that it is not obvious to modify Ueki based on Urano the examiner respectfully disagrees. The Applicant argued that Urano intended use of invention is different than intended use of Ueki. However, the examiner applied Urano reference only to show that it is well known in the art to have two separate gel filter and carbon filter one in front of the other in order as claimed.

Regarding limitation that porous membrane is located adjacent the inlet and silica gel filter is located adjacent the outlet, the examiner noticed that dictionaries defines adjacent as near (<http://www.merriam-webster.com/dictionary/adjacent>, accessed 9/23/10). According to said definition said filters are near inlet and outlet as claimed.

Regarding claim 13, the examiner treated said claim as independent claim. Since the Applicant has not discussed said claim the examiner has nothing to answer.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELENA KOSANOVIC whose telephone number is (571)272-9059. The examiner can normally be reached on 8:30-5:00, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve McAllister can be reached on 571-272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Helena Kosanovic/  
Examiner, Art Unit 3749  
092310

/Steven B. McAllister/  
Supervisory Patent Examiner, Art Unit 3749